

DETAILED ACTION

1. The amendments to the claims, filed on October 1, 2010 are acknowledged and have been entered. Currently, claims 8-12 and 15-20 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone conversation with **Benjamin Berkowitz** on **October 7, 2010**.

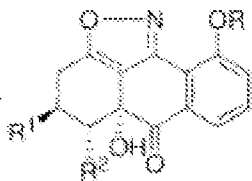
The claims recited below have been amended as follows.

Claims 8-12 and 16-20: (cancelled).

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: The instantly claimed compounds are novel and non-obvious over the prior art because of the following structural limitation: **the definition of variable R4 in formula I**. The closest prior art is Hachisu et al., *J. Amer. Chem. Soc.* 2003, 125, pp.8432-8433). This reference does not encompass the scope of the instant application, which includes the novelty identified above.

4. Hachisu et al. teaches a method for the synthesis of structurally similar compounds of the



formula . The compounds synthesized in the prior art differ in that the position corresponding to instant R4 is hydroxy rather than optionally substituted alkyl as required by the instant claim. Although the instant claims use compounds substituted at the same corresponding position with hydroxy as starting materials in the claimed process, the prior art does not teach or suggest using the hydroxy-substituted compounds as starting materials or intermediates for the synthesis of compounds with an alkyl substituent at the same position. The prior art does not fairly teach or suggest any other compounds or modifications that would result in the instant compounds. Therefore, the instantly claimed compounds are not obvious over those of the prior art.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

6. Claim 15 (renumbered 1) is allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia L. Otton whose telephone number is (571)270-7683. The examiner can normally be reached on Monday through Thursday, 8:00 – 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia L. Otton/
Examiner, Art Unit 1626
/Rebecca L Anderson/

Primary Examiner, Art Unit 1626